

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the Application of)
)
ROGER P. EKINS)
)
Serial No. 07/984,264)
)
Filed: December 1, 1992)
)
For: DETERMINATION OF)
AMBIENT CONCENTRATION)
OF SEVERAL ANALYTES)

Examiner: M. Woodward

Group Art Unit: 1813

Response to Paper No. 12

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**AMENDMENT AND REQUEST FOR
RECONSIDERATION UNDER 37 C.F.R. §1.111**

In response to the August 23, 1993 Official Action, please amend the above-identified application as follows:

Amend the claims as set forth in the attached Schedule A.

REMARKS

The August 23, 1993 Official Action and the references cited therein have been carefully reviewed. In view of the claim amendments presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

In the August 23, 1993 Official Action, the specification has been objected to, and claims 12-28 have been rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to provide an enabling disclosure. In this connection, the Examiner has questioned the sufficiency of the disclosure regarding the calculation of 0.1 V/K. The Examiner also criticizes the specification for allegedly not setting forth "the conditions under which a value of greater than 10^4 molecules is needed in order for the assay to function".

Claims 12-28 also stand rejected under 35 U.S.C. §103 as allegedly unpatentable based on the combined disclosures of WO 84/01031 (Ekins '031) and U.S. 4,591,570 (Chang). The Examiner interprets Chang as disclosing absorption conditions quite similar to those of applicant, and from this premise concludes that it would have been obvious to